

Yeas—26.

Abercrombie	Frank
Allen	Garrison
Armistead	Houston
Bell	Jarvis
Burges	Knittle
Burney	Lane
Calhoun	McDonald
Camp	Macmanus
Claiborne	Simkins
Davis	Stinson
Dougless of J	Terrell
Douglass of G	Upshaw
Field	Woodward

Nays—2.

Baker	Woods
-------	-------

Absent—1.

Glasscock

On motion of Senator Woodward,
The Senate went into executive session on the appointment of the governor.

IN THE SENATE.

On motion of Senator Woods,
The proceedings of the executive session were ordered spread upon the Journal and the governor notified of same as follows:

The Senate advises and consents to the appointment of

J. W. Brown to be manager of the Lunatic Asylum at Austin, vice R. M. Castleman resigned.

On motion of Senator Woods,
The Senate adjourned till 10 o'clock to-morrow morning.

SEVENTH DAY.

Senate Chamber, }
Austin, April 24, 1888. }

The Senate met pursuant to adjournment.

Lieutenant Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer was offered by the chaplain Dr. Smoot.

Pending the reading of the Journal on motion of Senator Woodward the further reading of the same was dispensed with.

PETITIONS AND MEMORIALS.

BY SENATOR LANE

Memorial from citizens of Bastrop

county relating to private corporations.

Referred to Judiciary Committee No. 1.

BY SENATOR ARERCROMBIE.

Memorial from the Texas State Geological and Scientific Association on the subject of a geological survey.

Referred to Committee on State Affairs.

REPORTS OF STANDING COMMITTEES.

BY SENATOR JARVIS.

Committee Room, }
Austin, April 24, 1888. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your committee on finance, to whom was referred Senate bill No. 18, entitled:

An act to extend the time within which lands that have been sold for taxes and bought in by the state may be redeemed, have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

JARVIS, chairman.

Bill read first time.

Committee Room, }
Austin, April 24, 1888. }

Honorable T. B. Wheeler, President of the Senate:

Sir—Your committee on finance, to whom was referred Senate bill No. 8, entitled:

An act to amend section 1, chapter III, of an act approved March 31, 1885, have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do lie on the table until the action of the House of Representatives on similar bills is ascertained.

All of which is respectfully submitted.

JARVIS, chairman.

Bill read first time.

Committee Room, }
Austin, April 23, 1888. }

Honorable T. B. Wheeler, President of the Senate.

Sir—Your committee on finance, to

whom was referred Senate bill No. 2, entitled:

An act to reduce taxation for general revenue purposes, have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do lie on the table until the action of the House of Representatives on similar bills is ascertained.

All of which is respectfully submitted.

JARVIS, chairman.

Bill read first time.

Committee Room, }
Austin, April 24, 1888. }

Honorable T. B. Wheeler, President of the Senate.

Sir—Your committee on Finance, to whom was referred Senate bill No. 20, entitled:

An act to make an appropriation for building, repairs, improvements and water supply at Prairie View Normal School, have had the same under consideration, and instruct me to report back to the Senate the accompanying substitute for said bill with the recommendation that the substitute do pass.

All of which is respectfully submitted.

JARVIS, chairman.

Bill read first time with committee substitute.

Committee Room, }
Austin, April 24, 1888. }

Honorable T. B. Wheeler, President of the Senate:

Sir—Your committee on Finance, to whom was referred House bill No. 15, entitled:

An act making an appropriation to defray the contingent expenses of the first called session of the Twentieth Legislature of Texas convened April 16, A. D. 1888 by proclamation of the Governor, have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

JARVIS, chairman.

Bill read first time.

BY SENATOR STINSON

Committee Room, }
Austin, April 23, 1888. }

Honorable T. B. Wheeler, President of the Senate:

Sir—Your committee on public

buildings and grounds, to whom was referred Senate bill No. 4, entitled:

An act to authorize the Superintendent of Public Buildings and Grounds to lease to the Farmer's Alliance of Travis county the south half of block No. 59, and the whole of the square south of said half block, situated in the city of Austin, in Travis county, Texas, as appears on the map of said city now on file in the General Land Office of the State of Texas, have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do not pass.

The bill seeks to authorize the lease of the property therein mentioned to the Farmer's Alliance of Travis county, at a nominal cost, not to exceed ten dollars per annum, while the property is worth from \$10,000 to \$20,000, and, in the opinion of the committee, it is in violation of constitution, article 3, section 51, prohibiting the granting of aid to any individual, association or corporation in this State.

All of which is respectfully submitted.

STINSON, chairman.

Bill read first time.

BY SENATOR FRANK.

Committee Room, }
Austin April 23, 1888. }

Honorable T. B. Wheeler, President of the Senate:

Sir:—Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 11, being

An Act to provide for the completion of the House of Correction and Reformatory, and for putting the same in operation, and to make an appropriation therefor, and find the same correctly engrossed.

FRANK, chairman.

Committee Room, }
Austin, April 23, 1888. }

Honorable T. B. Wheeler, President of the Senate:

Sir—Your committee on engrossed bills have carefully examined and compared Senate concurrent resolution No. —

For clearing capitol grounds and making an appropriations therefor, and find the same correctly engrossed.

FRANK, chairman.

BY SENATOR GARRISON:

Committee Room, }
Austin, April 24, 1888. }

Honorable T. B. Wheeler, President of the Senate:

Sir—Your committee on penitentiaries, to whom was referred Senate bill No. 25, entitled:

An act to purchase State convict farms, and improve the same, and work convicts thereon, and to make an appropriation therefor, have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

GARRISON, chairman.

Bill read first time.

BILLS AND RESOLUTIONS.

BY SENATOR ARMISTEAD

Resolved, that the thanks of the Senate be extended to the Board of Trustees of the Deaf, Dumb and Blind Asylum for Colored People for their able and economic management of that institution.

SENATORS ARMISTEAD AND STINSON

Spoke in favor of the resolution, and on motion of Senator McDonald the resolution was adopted.

BY SENATOR GREGG:

A bill to be entitled an act to provide for the annual apportionment of the available public free school fund to the various counties, cities and towns which have assumed control of their schools and to the various school districts and communities in the different counties.

Referred to Judiciary committee No. 1.

This bill provides,

1st. For the annual appropriation of the available school fund.

2nd. That the first appropriation made under this act shall not take into consideration the interest on land notes maturing on August 1st after the making of such apportionment, and that said interest shall be apportioned in the next succeeding apportionment.

3rd That the county superinten-

dents and county judges of such counties as have no superintendent, shall, at the end of each scholastic year, transfer from the credit of school districts and communities to the credit of the county school fund, all unexpended balances of such districts and communities, provided that such superintendent or county judge may, for good cause shown, continue such balance to the credit of any district or community, which cause must be reported to the Board of Education, subject to their revision.

4. That each county superintendent or county judge shall at the end of each scholastic year report to the state superintendent of instruction the amount of such unexpended balances which has been transferred from the credit of districts and communities to the credit of school fund of the county, also a statement of the amount of county fund apportioned for said year.

5. That the board of education shall in making annual apportionments take into account such balances to the credit of counties, and shall deduct from the amount apportioned to each county such proportion of such balance to the credit of said county as the amount of state fund apportioned for the preceding year to said county bears to the entire amount apportioned to said county, including state and county fund.

BY SENATOR CAMP:

A bill to give the State the right of injunction to prevent, etc., violations of the revenue and penal laws.

Referred to judicial committee No. 2.

The bill is fully explained by its caption. It gives county and district attorneys and the attorney-general the right to bring injunction suits in the State's name for the purposes named.

BY SENATOR BURNEY:

A bill to be entitled an act to amend section 71, chapter 132, of an act passed at the regular session of the Twentieth Legislature, approved April 2, 1887.

Referred to committee on education.

This is an amendment to the school district system law, making certain exemptions.

Senate bill No. 11.

An act to provide for the completion of the House of Correction and Reformatory and for putting the same in operation, and to make an appropriation therefor,

Was laid before the Senate and read third time.

SENATOR GREGG

Moved to amend by striking from the appropriation the sum of \$20,000, the amount estimated for completing the central building.

SENATOR GREGG

Spoke in favor of the amendment, and

SENATORS ALLEN, BELL AND FIELD

Opposed it.

The amendment was lost by the following vote:

Yea—3.

Burges	Stinson
Gregg	

Nays—26.

Abercrombie	Garrison
Allen	Glasscock
Armistead	Houston
Baker	Jarvis
Bell	Knittle
Burney	Lane
Calhoun	McDonald
Camp	Macmanus
Claiborne	Simkins
Davis	Terrell
Douglass of G	Upshaw
Field	Woods
Frank	Woodward.

Absent—1.

Douglass of J

The bill was passed by the following vote:

Yeas—25.

Abercrombie	Garrison
Allen	Glasscock
Armistead	Jarvis
Baker	Knittle
Bell	Lane
Burney	McDonald
Calhoun	Macmanus
Camp	Simkins
Claiborne	Terrell
Davis	Upshaw
Douglass of G	Woods
Field	Woodward
Frank	

Nays—4.

Burges	Houston
Gregg	Stinson

Absent—1.

Douglass of J

Senator Burney in the chair.

On motion of Senator Stinson, Senator Glasscock was excused from attendance yesterday, to-morrow and next day.

SENATOR TERRELL

By leave sent up the following committee report:

Committee Room, }
Austin, April 24, 1888. }

Honorable T. B. Wheeler, President of the Senate:

Sir:—Your Judiciary Committee No. 1, to whom was referred House bill No. 16, entitled

An Act to amend Article 566, chapter 2, title 20, of the Revised Civil Statutes, as amended by the Twentieth Legislature, have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

TERRELL, chairman.

Bill read first time.

On motion of Senator Terrell, The constitutional rule requiring bills to be read on three several days was suspended, and the bill just reported.

House bill No. 16.

An act to amend article 566, chapter 2, title 20, of the Revised Civil Statutes, as amended by the Twentieth Legislature, was taken up and placed on its second reading by the following vote:

Yeas—25.

Allen	Davis
Armistead	Douglass of J
Baker	Douglass of G
Bell	Field
Burges	Frank
Burney	Garrison
Calhoun	Glasscock
Camp	Gregg
Claiborne	Jarvis

McDonald Upshaw
Macmanus Woods
Stinson Woodward
Terrell

Nays—3.

Houston Lane
Knittle

Absent—2.

Abercrombie Simkins

The bill was read second time.

SENATOR HOUSTON

Spoke at length against the bill.

SENATOR TERRELL

Spoke in favor of the bill.

THE PRESIDENT

In the chair.

SENATOR LANE

Offered the following amendment:

Amend by adding to section 24 of the bill the following:

Provided, that in no case shall the capital stock of any such corporation ever exceed the sum of one hundred thousand dollars.

Provided further, that should the assets of any such corporation (including the capital stock) ever exceed the sum of one hundred and fifty thousand dollars, that in thirty days thereafter the management shall declare a dividend and pay to the stockholders of such corporation their pro rata part of the surplus over and above one hundred and fifty thousand dollars.

SENATORS LANE, GREGG, MACMANUS

AND HOUSTON

Spoke at length in favor of the amendment.

SENATORS CALHOUN, FIELD, TERRELL.

CLAIBORNE AND ALLEN

Spoke at length in opposition to it.

The amendment was lost by the following vote:

Yeas—7.

Douglass of J Lane
Gregg Macmanus
Houston Woodward
Knittle

Nays—23.

Ambercombie Field
Allen Frank
Armistead Garrison
Baker Glasscock
Bell Jarvis
Burges McDonald
Burney Simkins
Calhoun Stinson
Camp Terrell
Claiborne Upshaw
Davis Woods
Douglass of G

SENATOR HOUSTON

Moved to adjourn till 10 o'clock tomorrow morning.

Lost by the following vote:

Yeas—8.

Baker Lane
Gregg Macmanus
Houston Stinson
Knittle Woodward

Nays—22.

Abercrombie Douglass of G
Allen Field
Armistead Frank
Bell Garrison
Burges Glasscock
Burney Jarvis
Calhoun McDonald
Camp Simkins
Claiborne Terrell
Davis Upshaw
Douglass of J Woods

SENATOR HOUSTON

Moved to amend by adding to section 24:

Provided that no one but farmers shall own any stock in such corporation.

On motion of Senator Burney the amendment was tabled.

SENATOR DOUGLASS OF JEFFERSON

Moved to amend by adding after the word "stock" in line 32 and in line 1, page 3, the following "unless acquired by inheritance."

SENATOR DOUGLASS OF JEFFERSON

Spoke in favor of the amendment.

On motion of Senator Upshaw,
The amendment was tabled by the
following vote:

Yeas—21.

Abercombie	Frank
Allen	Garrison
Armistead	Jarvis
Baker	McDonald
Bell	Simkins
Burney	Stinson
Calhoun	Terrell
Camp	Upshaw
Claiborne	Woods
Douglass of G	Woodward
Field	

Nays—9.

Burgess	Houston
Davis	Knittle
Douglass of J	Lane
Glasscock	Macmanus
Gregg	

SENATOR HOUSTON

Offered the following amendment:

Provided, none but farmers shall
avail themselves of the benefits of this
act for the purpose of incorporation.

SENATOR HOUSTON

Favored, and

SENATOR STINSON

Opposed the amendment

The amendment was lost by the fol-
lowing vote.

Yeas—6

Douglass of J	Lane
Houston	Macmanus
Knittle	Woodward

Nays—24.

Abererombie	Field
Allen	Frank
Armistead	Garrison
Baker	Glasscock
Bell	Gregg
Burges	Jarvis
Burney	McDonald
Calhoun	Simkins
Camp	Stinson
Claiborne	Terrell
Davis	Upshaw
Douglass of G	Woods

SENATOR CALHOUN

Offered the following substitute for
section 2 of the bill:

Section 2. Whereas, the present in-
corporation act restricts the amount of
capital stock in the formation of cor-
poration and co-operative associations
to be organized under clause 24 of the
first section of the act hereby amended,
to an extent injurious to public inter-
est; and,

Whereas, it is of great public im-
portance and necessity that corpora-
tions and co-operative associations,
which tend to the rapid development
of the State, with greater capital
stock than is now permitted by law,
may be immediately organized; where-
fore, an emergency and an imperative
public necessity exist demanding that
the constitutional rule requiring bills
to be read on three separate days be
suspended, and that the act take ef-
fect and be in force from and after its
passage, and it is so enacted.

SENATOR BURNEY

Moved the previous question on the
amendment and the bill.

Seconded.

SENATOR HOUSTON

Moved to adjourn till 9 o'clock to-mor-
row morning.

SENATOR TERRELL

Raised the point of order that the
previous question had been moved
and seconded, and that the motion to
adjourn was not in order.

The point of order was sustained
and the main question was ordered.

The amendment was adopted and
the bill was passed to third reading.

On motion of Senator Burney,

The Senate adjourned 'till 10 o'clock
to-morrow morning.

EIGHTH DAY.

Senate Chamber, }
Austin, April 25, 1888. }

The Senate met pursuant to ad-
journment.

Lieutenant Governor Wheeler in the
chair.

Roll called.